

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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Court Minutes

April 6, 2009

C056957 THE PEOPLE v. (Not For Publication)
DAVID ANDRE DAVIS

 The case is remanded to the trial court solely for purposes of specifying, in a manner bearing the form and content of an abstract of judgment, the statutory authority for each fine, penalty, and fee the court imposed on defendant, in accordance with this opinion and Penal Code section 1213. In all other respects, the judgment is affirmed.

 NICHOLSON, J.

I concur: Scotland, P.J.

I concur in the result. ...

 Robie, J.

C057330 THE PEOPLE v. (Not For Publication)
DAVID JOHN ARGYRIS

 The judgment is affirmed.

 HULL, J.

We Concur: Nicholson, Acting P.J.

 Butz, J.

**C059976 REYNOSO; HOFFMAN v. STATE OF CALIFORNIA ex rel. DEPARTMENT OF
 TRANSPORTATION**
BY THE COURT:

 Appellant's petition for rehearing is denied.

 BLEASE, Acting P.J.

April 7, 2009

C053372 THE PEOPLE v. (Not For Publication)
JAMES JOSEPH OLAGUE et al.

 The trial court is directed to amend Cervantes's abstract of judgment (and forward a certified copy to the Department of Corrections and Rehabilitation) reducing to a one-third subordinate term the 10-year enhancement imposed under Penal Code section 186.22 in connection with the subordinate Count 3 attempted murder. The judgments are otherwise affirmed.

 SIMS, J.

We Concur: Blease, Acting P.J.

 Raye, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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Court Minutes

April 7, 2009, Continued

- C056728 THE PEOPLE v. (Not For Publication)**
NICHOLAS PATRICK
The judgment is affirmed.
NICHOLSON, Acting P.J.
We Concur: Raye, J.
Robie, J.
- C057353 THE PEOPLE v. GERALD MALLEY et al. (Not For Publication)**
C057181 THE PEOPLE v. JEREMY YOUNGREN
The judgments are reversed.
ROBIE, J.
I concur: Blease, Acting P.J.
I concur. I write separately only to note that, to the extent that our opinion here suggests that the Medical Marijuana Program (MPP) (Health and Saf. Code, § 11362.7 et seq.; unspecified section references that follow are to this code) is an unconstitutional amendment of the compassionate Use Act of 1996 (CUA) (Health and Saf. Code, § 11362.5), I respectfully disagree with that suggestion.
...
Hull, J.
- C057404 THE PEOPLE v. (Not For Publication)**
DAVID FRANK ABRANSKI
The judgment is affirmed.
HULL, J.
We Concur: Sims, Acting P.J.
Robie, J.
- C057804 THE PEOPLE v. (Not For Publication)**
BRIAN EARL COOK
The judgment is affirmed.
NICHOLSON, J.
We Concur: Scotland, P.J.
Sims, J.

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THIRD APPELLATE DISTRICT**

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Court Minutes

April 7, 2009, Continued

- C058809 THE PEOPLE v. (Not For Publication)**
CORY MICHAEL ROCHESTER
The judgment is affirmed.
HULL, J.
We Concur: Scotland, P.J.
Robie, J.
- C058859 THE PEOPLE v. (Not For Publication)**
MICHAEL BENJAMIN RAFFERTY
The judgment is affirmed.
NICHOLSON, J.
We Concur: Scotland, P.J.
Sims, J.
- C059351 THE PEOPLE v. (Not For Publication)**
PATRICIO ROSAS
The judgment is affirmed. The trial court shall prepare an amended abstract of judgment reflecting the fines and fees in the February and September cases "as previous [ly] imposed" and including the custody credits calculated in the supplementary probation report, and file it with the Department of Corrections and Rehabilitation.
ROBIE, J.
We Concur: Scotland, P.J.
Blease, J.
- C060696 DUNCAN et al. v. JONES**
BY THE COURT:
The pleading denominated as "Petition for Writ of Mandate/Motion for Sanctions," bearing the case number C060696, shall be treated as a motion to set aside dismissal and reinstate appeal, and, as so treated, is granted.
...
SCOTLAND, P.J.

April 8, 2009

- C055587 THE PEOPLE v. (Not For Publication)**
NICHOLAS MONT
The judgment is affirmed.
ROBIE, J.
We Concur: Blease, Acting P.J.
Raye, J.

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STATE OF CALIFORNIA
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Court Minutes

April 8, 2009, Continued

- C058361 THE PEOPLE v. (Not For Publication)**
MELVIN HUEY DAVIS
The judgment is affirmed.
BLEASE, Acting P.J.
We Concur: Raye, J.
Cantil-Sakauye, J.
- C058823 THE PEOPLE v. (Not For Publication)**
TROY LEE FLETCHER
The judgment is affirmed.
SIMS, J.
We Concur: Blease, Acting P.J.
Robie, J.
- C059198 THE PEOPLE v. (Not For Publication)**
ADRIAN LEJON JOHNSON
The judgment is affirmed.
SIMS, J.
We Concur: Scotland, P.J.
Nicholson, J.
- C059353 THE PEOPLE v. (Not For Publication)**
KELLY PATRICK KORTANGIAN
The judgment is affirmed. The trial court is directed to correct the abstract of judgment to reflect conduct credits calculated per section 2933.1. A certified copy of the amended abstract shall be forwarded to the Department of Corrections and Rehabilitation.
BUTZ, J.
We Concur: Raye, Acting P.J.
Hull, J.
- C058116 In re HOLLY B.; MONO COUNTY (Certified For Publication)**
DEPARTMENT OF HEALTH AND HUMAN
SERVICES v. CLUSTER B.
Respondent's motions for judicial notice or taking of additional evidence are denied. The appeal is dismissed.
ROBIE, J.
We Concur: Scotland, P.J.
Blease, J.

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STATE OF CALIFORNIA
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Court Minutes

April 8, 2009, Continued

C058919 In re J.M. et al.; SACRAMENTO (Not For Publication)
COUNTY DEPARTMENT OF HEALTH
AND HUMAN SERVICES v. L.M.

The order of the juvenile court denying appellant's motion for substitute counsel is affirmed.

HULL, J.

We Concur: Blease, Acting P.J.

Robie, J.

April 9, 2009

C058314 THE PEOPLE v. (Not For Publication)
MICHAEL WAYNE DEED

The judgment is affirmed.

SIMS, J.

We Concur: Blease, Acting P.J.

Robie, J.

C054002 KLAMATH RIVER DEVELOPMENT CO. (Not For Publication)
et al.; PRESTON et al.; CICALA
C055369 v. WALLACE; KLAMATH RIVER
COUNTRY ESTATES OWNERS
ASSOCIATION, INC.

The judgment is affirmed. The order after judgment awarding attorney fees is reversed and the matter is remanded with directions to deny any award of attorney fees based on section 1354, subdivision (c) and to recalculate the award of attorney fees to eliminate the amount awarded under section 1354. Plaintiffs and cross-defendant Cicala shall recover costs on appeal.

RAYE, J.

We Concur: Scotland, P.J.

Nicholson, J.

C058034 K.J. v. THE ROMAN CATHOLIC (Certified For Publication)
BISHOP OF STOCKTON

The judgment is affirmed. Defendant is awarded costs on appeal.
(Cal. Rules of Court, rule 8.278 (a) (1) .)

BUTZ, J.

We Concur: Scotland, P.J.

Blease, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
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Court Minutes

April 9, 2009, Continued

C057763 In re CLINT D.; THE PEOPLE v. (Not For Publication)
CLINT D.

The judgment is affirmed.
BLEASE, Acting P.J.

We Concur: Raye, J.
Cantil-Sakauye, J.

C059580 In re LEAH S. et al.; SACRAMENTO (Not For Publication)
**COUNTY DEPARTMENT OF HEALTH
AND HUMAN SERVICES v. MARSHA S.
et al.**

The orders of the juvenile court terminating parental rights are affirmed.
BUTZ, J.

We Concur: Scotland, P.J.
Raye, J.

C059664 THE PEOPLE v. RICKY ARMSTRONG PATTERSON
BY THE COURT:

Appellant's petition for rehearing is denied.
SCOTLAND, P.J.

April 10, 2009

MISC. ORDER 2009-005

BY THE COURT:

Associate Justice Harry E. Hull, Jr., is appointed to serve as Acting Presiding Justice to discharge the duties described in the California Rules of Court, rules 10.1004, 10.1012, and 10.1016, during the absence of the Presiding Justice from the court on April 16 and April 17, 2009, or until his return. (See Cal. Const., art. VI, §3.) The senior member of a panel of the Court is designated the Acting Presiding Justice of that panel during the absence of the Presiding Justice.
SCOTLAND, P.J.

C058040 THE PEOPLE v. (Not For Publication)
MICHAEL EDWARD SAUERMILCH

The judgment is affirmed.
ROBIE, J.

We Concur: Nicholson, Acting P.J.
Hull, J.

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Court Minutes

April 10, 2009, Continued

- C058439 THE PEOPLE v. (Not For Publication)**
KENNETH GABRIEL HORSLEY
Count eight is reversed, the judgment is modified to award defendant one additional day of actual presentence custody credit and one additional day of conduct credit. As modified, the judgment is affirmed. The trial court is directed to amend the abstract of judgment to reflect these modifications and to send a certified copy of the amended abstract to the Department of Corrections and Rehabilitation.
SCOTLAND, P.J.
We Concur: Blease, J.
Robie, J.
- C059028 THE PEOPLE v. (Not For Publication)**
THOMAS EDGAR DOUGLAS
The judgment is affirmed.
RAYE, J.
We Concur: Blease, Acting P.J.
Robie, J.
- C059986 THE PEOPLE v. (Not For Publication)**
LINDA DIANE McDANIEL
The judgment is modified by dismissing the prior prison term enhancement allegation. As modified, the judgment is affirmed.
SIMS, Acting P.J.
We Concur: Nicholson, J.
Cantil-Sakauye, J.
- C060141 THE PEOPLE v. (Not For Publication)**
NOEL DANIEL UNBANKES
The judgment is affirmed. The trial court is ordered to correct the abstract of judgment and forward a certified copy of the corrected abstract to the Department of Corrections and Rehabilitation.
SIMS, Acting P.J.
We Concur: Nicholson, J.
Cantil-Sakauye, J.

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Court Minutes

April 10, 2009, Continued

C058347 BALDWIN RANCH LIMITED (Not For Publication)
PARTNERSHIP v. OWENS MORTGAGE
INVESTMENT FUND et al.

The judgment is affirmed. Defendants shall recover their costs on appeal. (Cal. Rules of Court, rule 8.278 (a) .)

ROBIE, J.

We Concur: Scotland, P.J.

Hull, J.

C051656 THE PEOPLE v. (Not For Publication)
JAMES MICHAEL MILLIKEN
THE COURT:

It is ordered that the opinion filed herein on March 17, 2009, be modified...

There is no change in the judgment.

Defendant's petition for rehearing is denied.

FOR THE COURT:

BLEASE, Acting P.J.

Raye, J.

Robie, J.

C056502 HAUSELT v. COUNTY OF BUTTE
BY THE COURT:

Appellant's petition for rehearing is denied.

SCOTLAND, P.J.